

REMARKS

Entry of the foregoing, and re-examination and reconsideration of the subject application, in view of the amendments above and the remarks below, are respectfully requested.

Status of Claims

By the above amendments, claims 9 and 15 have been amended to specify that the adhesive material consists of certain copolymers or blends thereof. Editorial changes have also been made in these claims. Additionally, claims 22-23 have been canceled.

Upon entry of the foregoing amendments, claims 9-20 will remain pending in the application.

Claim Rejections – 35 U.S.C. § 112

In the Final Office Action of February 6, 2004, claims 9-20 and 22-23 were rejected under 35 U.S.C. § 112, first and second paragraphs, with respect to the phrase “substantially free of polypropylene”. Applicants disagree with the propriety of the rejections. But in the interest of expediting prosecution, Applicants have removed this language from the claims. Accordingly, the rejections are now moot and should be withdrawn.

Claim Rejections – 35 U.S.C. §§ 102 and 103

Claims 9-20 were rejected under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,887,738 to Taft et al. (“Taft”) or Taft in combination with various other documents. For the following reasons, these rejections should be withdrawn.

Taft discloses a hot melt composition consisting essentially of (A) a copolymer of ethylene and vinyl acetate and/or alkyl acrylate, (B) an ester of rosin and polyhydric alcohol, and (C) an ester of polyhydric alcohol and dimer and/or trimer of fatty acid. Col. 2, lines 26-41.

Taft fails to disclose or suggest each feature of the present invention. For example, Taft does not disclose or suggest an adhesive material that doesn't include an ester of rosin and polyhydric alcohol or an ester of polyhydric alcohol and dimer and/or trimer of fatty acid. The adhesive material of the present invention does not include such esters. Therefore, the present invention is patentably distinct over Taft.

None of the other applied references remedy the deficiencies of Taft. In this connection, none of them were cited to show that the ester compounds in the Taft hot melt composition can be omitted. As a result, none of these secondary references remedy the deficiencies of Taft.

Accordingly, there is no *prima facie* case of obviousness, much less one of anticipation. Therefore, the rejections based on Taft should be withdrawn.

Claims 22-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,537,946 to Truax et al. ("Truax") in view of Taft. Claims 22-23 have been canceled. As a result, the rejection is now moot and should be withdrawn.

Finally, it should be noted that the combination of Truax and Taft doesn't apply to the remaining claims. Like Taft, the hot melt composition of Truax includes other material things such as tackifying resins selected from terpene, rosin, modified rosin, polyisobutylene, and combinations thereof. Col. 6, lines 61-65. The adhesive composition of the present claims excludes such compounds. As a result, the remaining claims are patentable over Truax and Taft.

Conclusion

In summary, Applicants believe the application to be in condition for allowance. Accordingly, the Examiner is respectfully requested to reconsider the rejection(s), enter the above amendments, remove all rejections, and pass the application to issuance.

Respectfully submitted,

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423)229-8862
FAX: (423) 229-1239

Jon Wood
Jonathan D. Wood
Registration No. 39,076

July 27, 2004
Date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Karen Taylor
Karen Taylor

7/27/04
Date